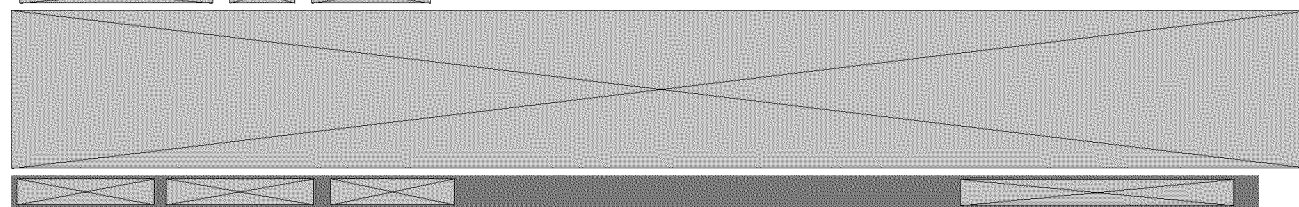


To: Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]
From: BNA Highlights
Sent: Tue 8/9/2016 8:38:56 PM
Subject: Aug 9 -- BNA, Inc. Daily Environment Report - Afternoon Briefing

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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Narrowed Aircraft Emissions Case Can Proceed: Court

Posted August 09, 2016, 3:51 P.M. ET

By [Anthony Adragna](#)

Litigation seeking to force the Environmental Protection Agency to issue regulations curbing greenhouse gas emissions from aircraft can proceed, a federal district court said.

Judge Amy Berman Jackson of the U.S. District Court for the District of Columbia Friday allowed the portion of the lawsuit that seeks to compel the agency to propose regulations curbing greenhouse gas emissions from planes to proceed.

She dismissed another part of the case, which sought a determination that emissions from aircraft endanger human health and the environment. On July 25, the EPA said in a final rule that aircraft emissions do pose such a danger under Section 231(a) of the Clean Air Act.

Water of Millions Tainted With Possible Carcinogens: Study

Posted August 09, 2016, 12:36 P.M. ET

By [Rachel Leven](#)

At least six million people are drinking water that have levels of potentially carcinogenic substances exceeding Environmental Protection Agency recommendations, according to a Harvard University [study](#) released today.

The study detected the highest levels of polyfluoroalkyl and perfluoroalkyl substances (PFASs) in watersheds near industrial sites, military bases, and wastewater treatment plants, becoming the first study to link contamination to these sites. PFASs have been used in a range of industrial and commercial products such as pots and pans, and even though some of these chemicals have been discontinued, they persist in people and wildlife, it said.

"For many years, chemicals with unknown toxicities, such as PFASs, were allowed to be used and released to the environment, and we now have to face the severe consequences," lead author Xindi Hu, a Harvard doctoral student, said in a news release. "In addition, the actual number of people exposed may be even higher than our study found,"

because government data for levels of these compounds in drinking water is lacking for almost a third of the U.S. population—about 100 million people.”

The study, "Detection of Poly- and Perfluoroalkyl Substances (PFASs) in U.S. Drinking Water Linked to Industrial Sites, Military Fire Training Areas, and Wastewater Treatment Plants," was published in Environmental Science & Technology Letters today.

EPA Urged to Consider Market Effects in Chemical Risk Evaluations

Posted August 09, 2016, 2:06 P.M. ET

By [Pat Rizzuto](#)

The Environmental Protection Agency should help the marketplace by identifying chemical uses that do not pose risks as well as those that do, speakers said today.

Tim Brown, with the Consumer Specialty Products Association, was among several industry representatives who stressed one point at an EPA meeting.

The chemical risk evaluation procedures the agency must establish under the amended Toxic Substances Control Act should require the EPA to identify safe uses of a chemical even when there are other particular uses that would pose health or ecological risks, Brown said.

That information would provide clear information to the marketplace, he said.

The specialty products and other trade associations, California's EPA, consultants, academics, environmental organizations and the AFL-CIO commented on a procedural rule the EPA must develop under the amended TSCA. The agency must issue a final rule that would describe its procedures for evaluating the risks of high-priority chemicals by June 22, 2017.

Republican AGs Slam EPA's Chemical Risk Management Proposal

Posted August 09, 2016, 11:34 A.M. ET

By [Sam Pearson](#)

The Environmental Protection Agency has failed to address security complaints from states as it crafts a proposed rule that could increase safety regulations at high-risk chemical facilities, a letter from 11 GOP attorneys general claims.

The [letter](#) comes as EPA works to finalize a proposed Clean Air Act rule on risk management programs for preventing accidental chemical releases (RIN: 2050-AG82).

Prepared by Oklahoma Attorney General Scott Pruitt (R), the letter was signed by Republican attorneys general from Alabama, Arizona, Arkansas, Florida, Georgia, Kansas, Nevada, South Carolina, Utah and Wisconsin and is just the latest salvo from GOP-led states against the proposal.

The officials argued EPA should make less information available to the public to make it more difficult for nefarious actors to learn about high-risk chemical sites.

Environmental Groups Seek Records on Use of Carbon Capture Credit

Posted August 09, 2016, 11:16 A.M. ET

By [Anthony Adragna](#)

Friends of the Earth filed a [public records request](#) today seeking information on the use of a tax credit meant to benefit carbon capture and sequestration technologies as Congress mulls whether to extend the credit permanently.

Section 45Q (26 U.S.C. §45Q) of the Internal Revenue Code allows a \$20 credit for each ton of carbon dioxide captured for underground storage and a \$10 per ton credit for carbon dioxide used in enhanced oil recovery.

Senate and House lawmakers have introduced separate measures (S. 3179; H.R. 4622) that would increase and extend the credit. Lawmakers also tried to extend it in April through an amendment to the Federal Aviation Administration reauthorization.

"As these changes are considered, no public data exists detailing the extent to which current policy has supported enhanced oil recovery versus underground storage," the Freedom of Information Act request states. "Before Congress votes to expand this tax provision considerably, lawmakers and the public must have complete information about how current policy has performed."

DOE Energy Efficiency Rulemaking Upheld by Seventh Circuit

Posted August 09, 2016, 1:15 P.M. ET

By [Rebecca Kern](#)

The Energy Department's authority to issue energy efficiency standards for commercial refrigeration equipment was upheld in an Aug. 4 [ruling](#) from a federal appeals court.

The U.S. Court of Appeals for the Seventh Circuit said that the department's decision to issue an energy efficiency standard and a test procedures standard in 2014 for commercial refrigeration equipment was neither arbitrary nor capricious, and that the department acted within its authority and within reason.

The ruling addresses three cases that were consolidated into one filed by the Zero Zone Inc., a small refrigeration equipment company; the Air-Conditioning, Heating and Refrigeration Institute, a trade association representing the refrigeration industry; and the North American Association of Food Equipment Manufacturers, another trade association of the refrigeration industry. Their petition challenging the department's decision-making process and the substance of the final rules was denied by the court.

The court also ruled that the department has the authority to determine whether energy efficiency standards include potential environmental benefits. "We have no doubt that Congress intended that DOE have the authority under the [Energy Policy and Conservation Act] to consider the reduction in [the social cost of carbon,]" Judge Kenneth Ripple, wrote on behalf of the court in the opinion.

Delaware to EPA: West Virginia Fouling Our Air

Posted August 09, 2016, 2:17 P.M. ET

By [Leslie A. Pappas](#)

The Delaware Department of Natural Resources and Environmental Control said today it filed a Clean Air Act petition with the U.S. Environmental Protection Agency against the Harrison Power Station in Haywood, W.Va., the second time in as many months the state has petitioned federal authorities about pollution from an out-of-state power plant.

The petition against the Harrison Power Station, which has three coal-burning plants, follows Delaware's petition last month against the Brunner Island Power Plant in York County, Pa. Delaware says that more than 94 percent of its ozone levels come from transport of air pollutants from upwind states.

Former Republican EPA Administrators Back Clinton Over Trump

Posted August 09, 2016, 11:00 A.M. ET

By [Anthony Adragna](#)

Two former Republican Environmental Protection Agency administrators today endorsed Hillary Clinton for president citing Republican nominee Donald Trump's "profound ignorance of science" and the former first lady's commitment to "reasonable, science-based policy" to address climate change.

"Donald Trump threatens to destroy that legacy of respect for the environment and protection of public health," William Ruckelshaus and William Reilly said in a [statement](#) released by the Clinton campaign. "For us, there is simply no choice in this election...That is why as Republicans, we support Hillary Clinton for President."

"That Trump would call climate change a hoax—the singular health and environmental threat to the world today—flies in the face of overwhelming international science and the public conviction and commitment of almost 200 national governments that adopted the Paris Agreement on climate change in December 2015," they continued. "Our leadership was essential to that agreement. To back away now, as Trump wants to do, would set the world back decades—years we could never recover. The young people in this country deserve far better than that as our legacy."

Ruckelshaus, who was the first administrator of the EPA when it was formed during President Richard Nixon's term and later served under President Ronald Reagan, and Reilly, administrator under George H.W. Bush, said Republicans have led the way on environmental protections over decades, citing the creation of the EPA, passage of the Clean Air Act, reductions in acid rain and ratification of the Montreal Protocol to protect the ozone layer.

PG&E Wins Drinking Water Civil Rights Claim Dismissal

Posted August 09, 2016, 12:22 P.M. ET

By [Steven Gibb](#)

The Safe Drinking Water Act preempts federal civil rights claims that Pacific Gas & Electric conspired with the state to poison well water with toxic chemicals, the Central District of California ruled Aug. 4.

The SDWA's "express, private means of redress" shows that Congress intended the act to preempt other remedies, the court said.

Representing himself, Ken Nitao filed suit against PG&E under 42 U.S.C. §§ 1983 and 1985(3), alleging the company conspired with state actors to poison waters in Hinkley, Cal. with arsenic, uranium and hexavalent chromium, which contaminated his drinking water.

PG&E argued the claims are preempted, and the court agreed.

"If the court allowed plaintiff to enforce the SDWA behind a Section 1983 or 1985(3) cloak, plaintiff could sidestep Congress' intent to require plaintiff give notice to prospective defendants of their allegedly unlawful conduct and provide prospective defendants sixty-days to address their error," the court said.

The court dismissed the case with leave to file an amended complaint within 21 days.

WTO to Rule on U.S. Solar Panel Case in September

Posted August 09, 2016, 2:38 P.M. ET

By [Brian Flood](#)

The U.S. will learn the outcome of a major international trade case in September dealing with solar panels and cells, according to a notice released by the World Trade Organization today.

The WTO Appellate Body will rule on a U.S. challenge to India's domestic content requirements for solar cells and solar panels by Sept. 16.

A dispute settlement panel vindicated the U.S. in its challenge to India's Jawaharlal Nehru National Solar Mission program.

The case was appealed, but a final ruling was delayed due to the appellate body's heavy workload. If the body finds that a member country's trade restrictions violate international rules, the offending country must change its policies within a certain amount of time or face retaliatory trade measures.

China Seeks to Approve Modified Corn, Soybeans by 2020

Posted August 09, 2016, 3:54 P.M. ET

By [Bloomberg News](#)

China will allow commercial production of genetically modified corn and soybeans by 2020 as the world's most-populous country seeks to boost food security, according to a plan published by the State Council.

The country will push to commercialize pest-resistant corn, herbicide-resistant soybeans and a new strain of cotton, according to a five-year [plan](#) on China's science and technology innovation program released Aug. 8.

While China doesn't allow planting of genetically modified corn and soybeans, President Xi Jinping has highlighted improving agricultural production and developing a modern industry through technology as key reforms. Corn is China's biggest grain crop and consumption has surged more than 50 percent in the past decade amid increasing demand from its livestock industry.

"It is a strong signal from the government that China will go ahead with commercialization of GMO grains," said Huang Dafang, a researcher with the Biotechnology Research Institute at the Chinese Academy of Agriculture Sciences. Corn is in more urgent need than soybeans and may be given priority for commercial production, he said.

The world's top soybean buyer accounts for more than 60 percent of global imports, including genetically modified crops from Brazil, the U.S. and Argentina.

China also will boost research on genetically modified crops resistant to pests, disease, drought and cold and aims to have the world's leading technology to help ensure the country's grain security, according to the plan.

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